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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,192	01/28/2002	Yukio Shishido	214004US6PCT	4520
22850	7590	09/28/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			AGUSTIN, PETER VINCENT	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/926,192

### Applicant(s)

SHISHIDO, YUKIO

### Examiner

Peter Vincent Agustin

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claims 1-4 are objected to because of the following informalities:

Claim 1, line 3: "each the " should be --each of the--.

Claim 3, line 4: "a error" should be --an error--.

Claim 4, line 4: "contends" should be --contents--.

Claim 14, line 3: "forehand" should be --beforehand--.

Claims 2-4 are dependent upon claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 10, 11 & 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jiyaruko et al. (hereafter Jiyaruko) (JP 09-306088) (see translation).

In regard to claim 1, Jiyaruko discloses a method for identifying optical disks (paragraph 1, lines 1-2), comprising the step of: in a state where each of the optical disks is reproduced (paragraph 1, line 3: “playback”), performing identification of the optical disk, based on whether or not data at a predetermined position on a logical format has predetermined data (paragraph 28, lines 3-8: “initiation code”).

In regard to claim 2, Jiyaruko discloses that each of the optical disks is reproduced in a predetermined sequence (paragraph 47, lines 1-2), and the identification of the optical disk is performed when the data at the predetermined position on the logical format is reproduced (paragraph 1, line 3: “playback”).

In regard to claim 4, Jiyaruko discloses that the data at the predetermined position is data in a predetermined file structure (paragraph 28, line 4: “sequence header”) recorded in each of the optical disks, and the predetermined data is data related to contents of the recorded data (paragraph 28, lines 5-10).

In regard to claim 5, Jiyaruko discloses a method for reproducing optical disks, comprising the steps of: performing identification of each of the optical disks based on whether or not data at a predetermined position on a logical format obtained by reproducing the optical disk has predetermined data (paragraph 1, lines 1-2; paragraph 28, lines 3-8: “initiation code”);

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and controlling a reproducing operation based on a result of the identification (paragraph 1, lines 3-4).

In regard to claim 10, Jiyaruko discloses that an amount of data read from each of the optical disks beforehand is switched based on the result of the identification (paragraph 40, lines 6-10).

In regard to claim 11, Jiyaruko discloses an optical disk apparatus (Drawing 5) comprising: data reading means (15) for, in a state where each of optical disks (10) is reproduced (paragraph 1, line 3), reading data recorded therein; and control means (90) for identifying the optical disk based on whether or not data which has been obtained by the data reading means and is located at a predetermined position on a logical format has predetermined data (paragraph 28, lines 3-8: "initiation code"), and for performing control on an operation in accordance with a result of the identification (paragraph 1, lines 3-4).

In regard to claim 14, Jiyaruko discloses that the control means controls the data reading means in such a manner as to switch an amount of data to be read beforehand from each of the optical disks based on the result of the identification (paragraph 40, lines 6-10).

7. Claims 1, 3, 5, 6, 9 & 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujinawa (JP 08-102140) (see translation).

In regard to claim 1, Fujinawa discloses a method for identifying optical disks (paragraph 25, line 2: "distinguished"), comprising the step of: in a state where each of the optical disks is reproduced (paragraph 25, line 1), performing identification of the optical disk, based on whether or not data at a predetermined position on a logical format has predetermined data (paragraph 26).

In regard to claim 3, Fujinawa discloses that the data at the predetermined position is data in a unit of block (paragraph 21, line 1: “sector”) recorded in the optical disk, and the predetermined data is data of an error correction code completed within the block (paragraph 26).

In regard to claim 5, Fujinawa discloses a method for reproducing optical disks, comprising the steps of: performing identification (paragraph 25, line 2: “distinguished”) of each of the optical disks based on whether or not data at a predetermined position on a logical format obtained by reproducing the optical disk has predetermined data (paragraph 26); and controlling a reproducing operation based on a result of the identification (paragraph 25, line 2: “processing according to the distinction result”).

In regard to claim 6, Fujinawa discloses that when an error is detected in the data obtained by reproducing each of the optical disks, a processing for responding to the error detection is switched based on the result of the identification (paragraph 9: “error correction according to each format”).

In regard to claim 9, Fujinawa discloses that a speed of reading data from each of the optical disks is switched based on the result of the identification (see paragraph 39: “rotational speed control”; Drawing 4, elements 62, 63, 64 & 11).

In regard to claim 11, Fujinawa discloses an optical disk apparatus (see Drawing 3 & Drawing 4) comprising: data reading means (4) for, in a state where each of optical disks is reproduced, reading data recorded therein; and control means (62) for identifying the optical disk based on whether or not data which has been obtained by the data reading means and is located at a predetermined position on a logical format has predetermined data (paragraph 26), and for

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performing control on an operation in accordance with a result of the identification (paragraph 25, line 2: “processing according to the distinction result”).

In regard to claim 12, Fujinawa discloses error detection means (Drawing 7, element 101) for detecting an error of the data obtained by the data reading means, wherein when the error is detected by the error detection means, the control means switches processing for responding to the error detection based on the result of the identification (paragraph 9: “error correction according to each format”).

In regard to claim 13, Fujinawa discloses that the control means controls the data reading means based on the result of the identification in such a manner as to switch a speed at which data is read from each of the optical disks (see paragraph 39: “rotational speed control”; Drawing 4, elements 62, 63, 64 & 11).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ashinuma et al. (US 5,289,451) discloses a means for detecting a type of recording medium. Based on the detected type, the rotation speed of the disk is controlled.

Tsuyuguchi et al. (US 5,329,510) discloses a method and apparatus for discriminating between unformatted magnetic disk assemblies of two different storage capacities.

Ohara et al. (US 5,544,137) discloses a means for identifying a disc type, means for changing operating/playback parameters according to the disc type, and means for setting the format of the information encoded on the disc according to the disc type.

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Lee et al. (US 6,016,293) discloses discriminating a disc type by comparing a focus error signal with a reference signal.

Kumagai (US 6,147,941) and Matsuo et al. (US 6,628,590) disclose discriminating a disc type based on detection signals detected from the disc.

Shihara et al. (US 6,295,260) and Kishi et al. (US 5,513,162) disclose discriminating disc types based on detection holes provided on the disc.

*Allowable Subject Matter*

9. Claims 7 & 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record alone or in combination fails to teach or suggest;

In claim 7, switching the number of times of reproduction retries or the period of time for the reproduction retries based on the result of the identification.

In claim 8, canceling the switching of the processing for responding to the error detection when the data in which an error has been detected is control data.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 703-305-8980. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

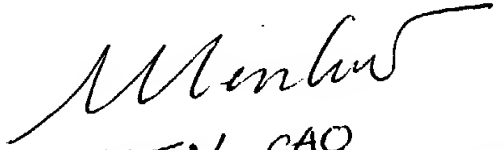
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin  
Art Unit 2652  
September 13, 2004

  
ALLEN CAO  
PRIMARY EXAMINER